

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/160,657 Confirmation No. 6611
Applicant: : Joseph W. Lyding et al.
Filed : September 25, 1998
Patent No. : 6,888,204
Issued : May 3, 2005
Group Art Unit : 2822
Examiner : Perkins, Pamela E.
For : Semiconductor Devices, and Methods for Same
Docket No. : 56-08A
Customer No. : 23713

Commissioner for Patents
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CERTIFICATE OF EFS-WEB FILING

I hereby certify that this correspondence is being submitted
via the USPTO EFS-WEB system on the date indicated
below.

<u>December 7, 2012</u>	<u>/laurasedlacek/</u>
Date	Laura Sedlacek

**REQUEST FOR CORRECTION OF ERROR IN ENTITY STATUS AND ACCEPTANCE OF
DEFICIENCY PAYMENT UNDER 37 C.F.R. 1.28(c)**

Sir:

Applicants respectfully request excuse of an error in small entity status for the above-identified patent and acceptance of payment of a deficiency in fees under 37 C.F.R. § 1.28(c).

Statement of the Facts

The following is based on information and belief and is based, at least in part, on review of available items of record according to the US Patent Office.

The Application for the above-referenced patent was filed on September 25, 1998, without establishing small entity status and fees for a large entity were paid upon filing.

Thereafter, small entity status was established in good faith during the pendency of the application. A Statement Claiming Small Entity Status was submitted to the Patent Office on March 27, 2004, along with a request for a refund in connection with payment of a fee of \$950

for a 3 month extension of time (at the large entity rate). According to Patent Office records, however, there is no indication that the request for a refund was acted upon by the Patent Office or that any refund was made to the Applicant. The Issue Fee was subsequently paid on October 28, 2004, in an amount of \$685.00 due for a small entity, and the 3.5 Year Maintenance Fee was subsequently paid October 27, 2008, in an amount of \$490.00 due for a small entity.

A correction of entity status was filed on May 8, 2012 notifying the Office that small entity status was no longer claimed and the 7.5 year maintenance fee was paid in an amount of \$2,850 for a large entity.

It has since later been discovered that small entity status was established in error for certain payments. These payments are believed to include the request for a refund of fees of March 27, 2004, the payment of the Issue Fee of October 28, 2004, and the payment of the 3.5 year maintenance fee of October 27, 2008.

Correction of Error in Entity Status Pursuant to C.F.R. 1.28(c)

Applicants respectfully request that all errors in small entity status be excused and hereby authorize payment of all deficiencies in the fees for the above-identified application. Given that the Patent Office records do not indicate a refund was made in connection with the request of March 27, 2004, Applicants believe that no deficiency is applicable since that particular payment was originally made at the large entity rate. Therefore, fee deficiencies in connection with the Issue Fee and 3.5 year maintenance fee erroneously paid for a small entity are being submitted with this request. If this is incorrect, or as necessary, the Office is hereby authorized to charge all deficiencies owed for this application.

In compliance with 37 CFR § 1.28(c), Applicants submit herewith payment in the amount of \$1745.00. Pursuant to 37 C.F.R. §§ 1.28(c)(i) and 1.28(c)(ii), the following deficiency calculation and itemization information is provided.

Itemization of Deficiency Payment

Item No.	Filing Date of Fee	Type of Fee Paid	Column A: Current Fee Amount as a Large Entity	Column B: Fee Amount Originally Paid	Deficiency Amount Owed (Col. A minus Col. B)
1	10/28/2004	Issue Fee	\$1770	\$685	\$1085
2	10/27/2008	3.5 Year Maintenance Fee	\$1150	\$490	\$660
		Totals	\$2920	\$1175	\$1745

Calculation of Deficiency Payment

The deficiency owed is the difference between the Total of Column A: Current Fee Amount as a Large Entity (\$2920: equal to the sum of: \$1770 Issue Fee and \$1150 for 3.5 Year Maintenance Fee) and the Total of Column B: Amount Originally Paid (\$1175: equal to the sum of \$685 Issue Fee and \$490 for 3.5 Year Maintenance Fee). In this case, the Deficiency Owed is \$1745.00.

Submitted herewith is a Fee Transmittal Form PTO/SB/17 (03-12) authorizing the Director to deduct \$1745 for the deficiency owed from Deposit Account No. 07-1969. If this amount is not correct, or as otherwise necessary, please charge any deficiency or credit any overpayment for this submission to Deposit Account No. 07-1969.

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Respectfully submitted,

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